

Message Text

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ACTION L-03

INFO OCT-01 IO-13 ADP-00 AF-10 ARA-16 EA-11 EUR-25 NEA-10

RSC-01 COA-02 EB-11 OIC-04 CIAE-00 DODE-00 PM-07 H-03

INR-10 NSAE-00 NSC-10 PA-03 PRS-01 SS-15 USIA-15

ACDA-19 AEC-11 AGR-20 CG-00 COME-00 DOTE-00 FMC-04

INT-08 JUSE-00 NSF-04 OMB-01 TRSE-00 CEQ-02 SCI-06

RSR-01 /247 W

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TO SECSTATE WASHDC 915

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E.O. 11652:

TAGS: PBOR, UN

SUBJ: WG 3, SC III SCIENTIFIC RESEARCH (SR)

30 JULY

1. CHAIRMAN ATTEMPTED TO HAVE WG CONSIDER SUBSTANCE OF ITEM 1.2 "RIGHT TO UNDERTAKE MARINE SR WITHIN NATIONAL JURISDICTION AND IN INTERNATIONAL AREA" BUT WAS IMMEDIATELY CHALLENGED AGAIN ON QUESTION OF PREJUDICIAL TITLES. PERU, VENEZUELA, KENYA, TANZANIA AGAIN URGED THAT WORDS "RIGHT TO UNDERTAKE" BE DELETED AND STATED THAT CHAIRMAN'S ASSERTIONS THAT HEADINGS WERE INFORMAL WERE NOT SUFFICIENT TO ENSURE THEY WOULD NOT PREJUDGE THE ISSUE. US, SOVS, FRANCE, MALTA AND MEXICO SUPPORTED CHAIRMAN AND URGED HEADINGS BE LEFT ALONE AND WORK COMMENCE ON SUBSTANCE. PERU AND TANZANIA COUNTERED WITH ARGUMENT THAT IF HEADINGS CONSIDERED UNIMPORTANT WHY RESIST DELETION OF WORDS.

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2. CHAIRMAN TRIED TO RESOLVE DIFFICULTIES BY OFFER-

ING VARIOUS ALTERNATIVES DURING COURSE OF DEBATE. FIRST WAS RETINING TITLES AS LISTED, WITH CHAIRMAN'S PERSONAL ASSURANCE THEY WOULD NOT PREJUDICE SUBSTANCE, OR DELETE ALL TITLES. PERU RESISTED LEAVING TITLES INTACT AND DEBATE BEGAN ON OTHER POSSIBLE SOLUTIONS. US (AMB. MCKERNENAN) STATED EITHER OF CHAIR'S PROPOSALS WAS SATISFACTORY AS WAS NEW ALTERNATIVE OF SPLITTING THE ITEM INTO TWO PARTS: (A) RIGHTS AND RULES TO UNDERTAKE SR WITHIN AREAS OF NATIONAL JURISDICTION, AND (B) RIGHTS TO UNDERTAKE SR IN THE INTERNATIONAL AREA PROVIDED ITEM 1.3 WAS DELETED. SECOND ALTERNATIVE OF CHAIRMAN WAS TO CONSULT INFORMALLY WITH SOVS, TANZ, US, PERU, VENEZ AND OTHER INTERESTED PARTIES TO DEVELOP ACCEPTABLE HEADINGS. DEBATE CONTINUED AND CHAIRMAN, WITH MOUNTING FRUSTRATION, ANNOUNCED THAT SINCE WORKING PAPER WAS HIS DOCUMENT HE WAS WITHDRAWING WORKING PAPER #1 (LIST OF TITLES OF ITEMS) AND ALL TITLES REFERRED TO ON SUBSEQUENT DOCUMENTS, AND WORK SHOULD NOW TURN TO SUBSTANCE ON ITEM 1.2 (UN-NAMED).

3. EGYPT, KENYA, ETHIOPIA, SOMALIA PROTESTED THAT ABSENCE OF TITLES WAS UNSATISFACTORY. CHAIRMAN THEN PROPOSED THAT SINCE WG APPARENTLY WANTED TITLES HE AND SECRETARIAT WOULD FORMULATE NEW LIST OF SHORT TITLES AND IF THESE WERE OPPOSED THEN TITLE WOULD BE FORMULATED ALONG WITH MATTERS OF SUBSTANCE IN DRAFTING GROUP. WG ACCEPTED THIS AND WORK COMMENCED ON SUBSTANCE OF ITEM 1.2.

4. MEXICO (VALLARTA) NOTED TRADITIONAL RIGHT TO UNDERTAKE SR BUT STATED THAT INTERNATIONAL LAW WAS RECOGNIZING GROWING NUMBER OF RIGHTS OF COASTAL STATES. HE SAID THERE ARE NO ABSOLUTE RIGHTS IN TODAY'S SOCIETY; THEY MUST RELATE TO THE COMMUNITY, AND JUST AS COASTAL STATE RIGHTS HAVE BEEN CHANGED SO TOO HAS THE RIGHT TO UNDERTAKE SR.

5. WG THEN TURNED TO UNCOVER SIMILARITIES IN TEXTS OF UNCLASSIFIED

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DRAFT ARTICLES. BRAZIL PROPOSED TWO FORMULATIONS:

- (1) ONLY COASTAL STATES HAVE THE RIGHT TO UNDERTAKE SR IN AREAS UNDER THEIR SOVEREIGNTY AND JURISDICTION. COASTAL STATES SHALL HAVE THE RIGHT TO BRING UNDER REGULATION SR ACTIVITIES CONDUCTED IN THE ZONE OR AREAS SUBJECT TO THEIR MARITIME SOVEREIGNTY AND JURISDICTION.
- (2) SR IN AREAS BEYOND NATIONAL JURISDICTION SHALL BE

UNDERTAKEN BY (BLANK), CONDITIONAL UPON PUBLICATION AND DISSEMINATION OF ITS RESULTS, PARTICIPATION OF ALL COUNTRIES, AND FOR THE PURPOSE OF STRENGTHENING ECONOMIC CAPABILITIES OF DEVELOPING COUNTRIES. US NOTED (A) IT WAS TASK OF LOS CONF TO IDENTIFY JURISDICTION IN CERTAIN AREAS, THEREFORE WE CANNOT ACCEPT FORMULATION THAT GIVES COASTAL STATE RIGHT TO REGULATE SR IN AREAS OF PARTIAL JURISDICTION; AND (B) BRAZIL'S ASSIGNMENT OF OBLIGATIONS TO THE RIGHT OF CONDUCTING SR ON HIGH SEAS IS NOT USEFUL FOR CONSIDERATION AT THIS TIME. WG THEN ADJOURNED AND DRAFTING GROUP CONVENED.

6. DRAFTING GROUP BEGAN CONSIDERATION OF 3 ALTERNATIVE DEFINITIONS OF SR AND REACHED PROVISIONAL ACCEPTANCE OF TEXT THAT READS: "MARINE SR IS ANY STUDY AND RELATED EXPERIMENTAL WORK, EXCLUDING INDUSTRIAL EXPLORATION AND OTHER ACTIVITY AIMED AT THE DIRECT EXPLOITATION OF MARINE RESOURCES, DESIGNED TO INCREASE MANKIND'S SCIENTIFIC KNOWLEDGE OF THE MARINE ENVIRONMENT AND CONDUCTED FOR PEACEFUL PURPOSES." THREE FOOTNOTES ARE INCLUDED;
(1) US. SOME DELEGATIONS WERE OF THE OPINION THAT AN ARTICLE ON DEFINITIONS WAS NOT NECESSARY, AND THAT THE ARTICLES TO BE DRAFTED ON THE OBLIGATION OF STATES WOULD INDIRECTLY, BUT CLEARLY, ESTABLISH THE MEANING INTENDED. (2) MALTA. SOME DELEGATIONS EXPRESSED BELIEF THAT TERM MARINE ENVIRONMENT SHOULD BE DEFINED. (3) MEXICO. VIEW WAS EXPRESSED BY SOME DELEGATIONS THAT THIS DEFINITION WAS ACCEPTABLE PROVIDED THAT IT WILL BE RECOGNIZED IN ANOTHER ARTICLE OF THIS CONVENTION THAT SR MAY PROVIDE THE BASIS FOR INDUSTRIAL AND COMMERCIAL ADVANTAGES.

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7. SOVS REQUESTED TIME FOR FURTHER STUDY AND DEFINITION WILL BE DISCUSSED AGAIN 31 JULY.

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